

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 18, 2001

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Mayor Neisen O. Kasdin
Vice-Mayor Matti Herrera Bower
Commissioner Simon Cruz
Commissioner David Dermer
Commissioner Luis R. Garcia, Jr.
Commissioner Nancy Liebman
Commissioner Jose Smith

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

- PA1 Cert. of Apprec./J. McGraw, J. Alberto & F. Diaz, ?At Your Service Award?. 1
- PA2 Proclamation/Fienberg Fisher, Authoring Grant/Federal Funding for Learning Center. (Bower)
- C2A BA 37-00/01, Ceiling Replacement for Convention Center, \$497,000. 3
- C2B BA 38-00/01, Repair/Resurfacing of Tennis & Basketball Courts, \$32,500. 7
- C2C BA 16-00/01, Office Supplies for all Departments/Divisions, \$200,000. 11
- C2D BA 31-00/01, Pressure Clean & Paint City Hall Building, \$48,368. 17
- C2E Award S.O., Enhancement Devlp't for the Cyborg HR/Payroll System, \$167,775. 19

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- C4B Ref: Finance & Citywide Projects Comm., Evaluate City Procurement Card Program. 29
- C4C Ref: Art in Public Places Committee, Romero Britto's Sculpture Donation. (Kasdin) 35
- C4D Ref: Parking/Transportation Comm. & Fin. & CWP, Incentives for Production Industry. 41
- C4E Ref: Community Affairs Comm., Honor Regina & Bernard Firestone. (Kasdin) 43
- C4F Ref: Planning Board, Angle Parking in Historic Districts. (Kasdin) 45
- C4G Ref: Planning Brd, Distance Requirements for Alcohol Beverage Establishments. (Cruz) 47

- C7A Approp. Funds, Renovate Office Space at 555-17th Street, Relocate Several City Depts. 57
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C7R	Approve Concession Agt., Valet Parking Services for TOPA and Convention Center.	465
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C7X	Approve Placement of (10) Banners for Foster's 2001 Nat'l Lifesaving Champ. 7/27-8/12/01.	A

REGULAR AGENDA

R2A	BA 35-00/01, Paint/Waterproof Convention Center and TOPA, \$529,000.	597
R5A	11:15 a.m. 2nd Rdg , Amend Code, Posting of Signs on Utility Co. Prop. or Public Prop.	601
R5B	11:30 a.m., 2nd Rdg , Authorize Regulations for Permits Issued to Street Performers.	605
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R7A	10:30 a.m. Public Hrg. , Exec. Lease Agt., Use of Flamingo Park Baseball Stadium. 5/7	675
R7B	10:45 a.m. Public Hrg. , Approve Sale of 825-845 Lincoln Road. 5/7	699/SM
R7C	11:00 a.m. Public Hrg. , Affirm Devlpt. Regs., Preserve Colony Theater's Facility. 5/7	721

R7D	2:00 p.m. Public Hrg, Execute Lease Agt. w/Boys & Girls Club - 1000-12 Street. 5/7	725
R7E	2:15 p.m. Public Hrg, Execute Lease Agt. w/Concert Assoc., Mgt. of Colony Th. 5/7	741
R7F	Joint, Auth. City Manager to Sign All Contracts During Commission Meeting Break.	789
R7G	Approve Addtl Services, Bayshore Golf Course Renovation Project.	795
R7H	Execute Amendment, A/E Services for Phase I Improvements of Fire Station No. 4.	821
R7I	2:30 p.m., Accept Recomm., Mgt. of Beachfront Concessions on Several Beaches.	835/ SM
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R7N	Exec. Serv. Agt., A/E Serv. for N. Bch Recreat. Corridor/Allison & Band Shell Parks.	965
R7O	Increase Mayoral Office Term/Term Limits. (Kasdin) [see Corrections]	1039/ SM
R7P	Group Designations for Elected Officials. (Kasdin) [see Corrections]	1047/ SM
R7Q	Call for Special Elect., Proposed Amend.-Waterfront Prop. Floor Area Ratio. (Dermer)	1061
R7R	Support the American Le Mans Series on April 5 - 7, 2001. (Kasdin) [see Corrections]	1069
R7S	Joint, Execute Supplemental Agreement, Amend & Restate Parking Sublicense.	A
R7T	Adopt 2nd Amendment to the Rules & Regs. for Beachfront Concession Operations.	A
R7U	Establish Application Process, Processing Fee - Street Performers/Art Vendors.	A
R9A	Board and Committee Appointments.	1081
R9A1	Appointment of Jack Bernstein to the Personnel Board. 5/7	1129/ SM
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R9B2	5:30 p.m., Dr. Stanley Sutnick Citizens? Forum.	1131
R9C	Disc. AIDS/HIV Statistics in Miami Beach. (Dermer)	1133
R9D	W-Disc. Convert Ocean Dr. 15-5 St./Collins Ave. 5-15 St. to One-Way Traffic. (Garcia)	1139
R9E	Disc. Status Report on Altos Del Mar Park Project. (Smith)	1151
R9F	4:30 p.m., Disc. Undergrounding of Utilities. (Liebman/Kasdin)	1155
R9G	Disc. Reso. re: ?Tooth Fairy Project?, Relating to Radiation & Public Health. (Kasdin)	1159
R9H	Disc. Creation of an Ordinance to Ban Roving Billboards on Ocean Drive. (Liebman)	1183
R9I	Disc. Nadadores at Scott Rakow Pool. (Liebman)	1185
R9J	Disc. Reso. re: Support Preservation of the Historic Sears Tower. (Bower)	A

REPORTS AND INFORMATIONAL ITEMS

A	City Attorney's Status Report.	1193
B	Parking Status Report.	1199
C	Report on the 71st Street Charrette in North Beach.	1217
D	Update on Actions - Indian Creek Greenway Project.	1219
E	Report on All City Contracts for Renewal/Extensions Exceeding \$25,000.	1231
F	Report on the Status of Sunset Island I and II.	1233

- G Report of Public Hearings Before Planning Board for Meeting of July 31, 2001. 1235

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues/Expenditures of RDA for May 31, 2001. 1
3A **Joint**, Auth. City Manager to Sign All Contracts During RDA Meeting Break. 3
3B **Joint**, Execute Supplemental Agreement, Amend & Restate Parking Sublicense. 7/SM

Call to Order - 9:33 a.m.

Inspirational Message given by Chief Barreto.

Pledge of Allegiance led by Chief Barreto.

Requests for Additions, Withdrawals, and Deferrals

See Supplemental Materials: (C7K, R7B, R7I, R7M, R7O, R7P, R9A1, and RDA-3B)

See Addendum: (C7X, R7S, R7T, R7U and R9J)

Motion made by Commissioner Liebman to add the Addendum items, by 5/7 vote, to the Agenda; seconded by Vice-Mayor Bower; Voice vote: 6-0; Absent: Commissioner Smith.

PA - Presentations and Awards

- PA1 Certificates of Appreciation to be Presented to John McGraw, Information Technology, Jose Alberto, Code Compliance, and Frank Diaz, Property Management, for Receiving the "At Your Service Award" for the Months of May, June and July 2001.
(City Manager's Office)

ACTION: Certificates of Appreciation presented.

- PA2 Proclamation to be Presented to Fienberg Fisher Adult and Community Education Center for Authoring a Grant and Acquiring Federal Funding for a Three-Year Period for the 21st Century Community Learning Center.

(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Proclamation presented to Rosa Borgen.

PA3 Add on item:

- PA3 Proclamation to be presented to Commissioner Luis R. Garcia, Jr. for his 23 years of service to the City of Miami Beach Fire Department and declaring July 18, 2001 as Luis R. Garcia, Jr. Day in Miami Beach.

ACTION: Proclamation presented.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Bower to approve the Consent Agenda; seconded by Commissioner Liebman; Voice vote: 7-0.

C2 - Competitive Bid Reports

C2A Commission Memorandum No. 436-01

Request for Approval to Award a Contract to Acousti Engineering Co. of Florida, Inc., in the Amount of \$497,000, Pursuant to Bid No. 37-00/01, for the Ceiling Replacement for the Miami Beach Convention Center.

(Convention Center)

ACTION: Award authorized. Christina Cuervo to handle.

C2B Commission Memorandum No. 437-01

Request for Approval to Award a Contract to Agile Courts Construction Co. Inc., for an Annual Estimated Amount of \$32,500, Pursuant to Bid No. 38-00/01, for the Repair and Resurfacing of Tennis and Basketball Courts.

(Parks & Recreation)

ACTION: Award authorized. Kevin Smith to handle.

C2C Commission Memorandum No. 438-01

Request for Approval to Award a Contract to U.S. Office Products in the Estimated Annual Amount of \$200,000, Pursuant to Bid No. 16-00/01, for the Purchase of Office Supplies for all Departments/ Divisions of the City of Miami Beach, Florida.

(Procurement)

ACTION: Award authorized. Gus Lopez to handle.

City Clerk's Note: Cross reference: On May 14, 2001 U. S. Office Products was sold to Corporate Express, a Burhmann Company. Effective October 1, 2001 Corporate Express will be the vendor of record.

C2D Commission Memorandum No. 439-01

Request for Approval to Award a Contract to V.I.P Painting, Inc., in the Amount of \$48,368, Pursuant to Bid No. 31-00/01, to Pressure Clean and Paint the City Hall Building.

(Public Works)

ACTION: Award authorized. Brad Judd to handle.

10:02 am

C2E Commission Memorandum No. 440-01

Request for Approval to Award a Standing Order to ABC Computing Service, Inc., in the Amount of \$167,775, to Include the Following Items: Enhancement Development for the Cyborg Human Resources/Payroll System, \$78,025; Enhancement Maintenance, \$28,000; Training, \$19,750; Software Upgrades of Cyborg 4.0 to 4.5 and SQL Server 6.5 to 7.0, \$28,000; and Year End Support, \$14,000.

(Information Technology)

ACTION: Item separated for discussion by Commissioner Garcia.

Motion made by Vice-Mayor Bower to defer to the July 25, 2001 Commission Meeting; Seconded by Commissioner Garcia; Voice vote: 7-0. Lilia Cardillo to place on agenda.

Administration to meet with Commissioner Garcia before the July 25 Commission Meeting.

Handout:

1. LTC No. 161-2001 Acceptance of the KPMG, LLP, Report on the City's Cyborg Human Resources / Payroll System.

C4 - Commission Committee Assignments

C4A Commission Memorandum No. 441-01

Referral to the Finance and Citywide Projects Committee - Cost Savings Initiative Relative to a New Digital Copier Contract.

(Procurement)

ACTION: Referred. Patricia Walker to place on committee agenda. Gus Lopez to handle.

C4B Commission Memorandum No. 442-01

Referral to the Finance and Citywide Projects Committee - Cost Savings Initiative Relative to the Evaluation and Consideration of a City Procurement Card Program.

(Procurement)

ACTION: Referred. Patricia Walker to place on committee agenda. Gus Lopez to handle.

9:50 am

C4C Commission Memorandum No. 443-01

Referral to the Art in Public Places Committee - Romero Britto's Proposal to Donate a Sculpture to be Placed in Lincoln Road.

(Requested by Mayor Neisen Kasdin)

ACTION: Item separated for discussion by Commissioner Liebman.

Referral Amended Motion made by Commissioner Liebman to refer the item to the Arts in Public Places Committee with the additional questions listed below; seconded by Vice-Mayor Bower; Voice vote: 7-0. James Quinlan to place on committee agenda.

Commissioner Liebman requested that the location of the art be discussed.

Vice-Mayor Bower asked what kind of materials will be used so that graffiti can be removed easily.

C4D Commission Memorandum No. 444-01

Referral to the Transportation & Parking Committee and the Finance & Citywide Projects Committee - Proposed Incentives for the Production Industry.

(Arts, Culture & Entertainment)

ACTION: Referred. Patricia Walker to place on committee agenda. Saul Frances to place on Transportation & Parking Committee agenda. James Quinlan to handle.

C4E Referral to the Community Affairs Committee - Discussion Regarding Honoring Regina and Bernard Firestone.

(Requested by Mayor Neisen Kasdin)

ACTION: Referred. Judy Hoanshelt to place on committee agenda.

C4F Referral to the Planning Board - Angle Parking in Historic Districts.

(Requested by Mayor Neisen Kasdin)

ACTION: Referred. Jorge Gomez to place on committee agenda.

9:51 am.

C4G Referral to the Planning Board - Distance Requirements Between On-Premise Alcoholic Beverages Establishments, Dance Halls and Totally Nude Adult Entertainment Establishments.

(Requested by Commissioner Simon Cruz)

ACTION: Item separated for discussion by Commissioner Liebman.

Referral Amended. Motion made by Commissioner Liebman to refer only the issue of nudity and alcoholic beverages to the Planning Board; seconded by Vice-Mayor Bower; Voice vote: 7-0. Jorge Gomez to place on committee agenda.

C7 - Resolutions

C7A Commission Memorandum No. 445-01

A Resolution Appropriating \$515,890, from the General Fund Undesignated Fund Balance and Authorizing the Establishment of a Work Order for the Renovation of Office Space at the City-Owned Property Located at 555-17th Street, Miami Beach, Florida, for the Relocation of the City's Office of Asset Management, Economic Development Division, Redevelopment Agency, Human Resources Department, Labor Relations Office, Risk Management Division, and Municipal Employees Federal Credit Union.

(Asset Management)

ACTION: Resolution No. 2001-24504 adopted. Patricia Walker to appropriate the funds. Joe Damien and Brad Judd to handle.

C7B Commission Memorandum No. 446-01

A Resolution Approving and Authorizing the Mayor and City Clerk to Execute Agreement Between the City and Williams, Hatfield & Stoner, Inc., Pursuant to Request for Qualifications (RFQ) 07-00/01, to Provide Professional Services for the Normandy Isle and Normandy Sud Neighborhood Streetscape for Urban Design, Landscape Architecture and Engineering Services for the Planning, Design, Preparation of Construction Documents, Assistance with Bidding, and Construction Administration for a Fee Not to Exceed \$617,664 and Appropriating for the Normandy Isle and Normandy Sud Neighborhood Streetscapes Project: \$286,096 from Series 2000 General Obligation Bond Fund; \$248,752 from the Series 2000 Water and Sewer Revenue Bond Fund; \$41,459 from the Series 2000 Stormwater Revenue Bond Fund, and \$41,357 from the Section 108 Loan Fund.

(Capital Improvement Projects)

ACTION: Resolution No. 2001-24505 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

C7C Commission Memorandum No. 447-01

A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Agreement Between the City and EDAW, Inc., Pursuant to Request for Qualifications (RFQ) No. 07-00/01, to Provide Professional Services for the Flamingo/Lummus Neighborhood Streetscape for Urban Design, Landscape Architecture and Engineering Services for the Planning, Design, Preparation of Construction Documents, Assistance with Bidding, and Construction Administration for a Fee Not to Exceed \$1,840,000; and Appropriating for the Flamingo/Lummus Neighborhood Streetscape Project: \$503,838 from the Series 2000 General Obligation Bond Fund; \$386,205 from the Series 2000 Water and Sewer Revenue Bond Fund; \$949,957 from the Series 2000 Stormwater Revenue Bond Fund.

(Capital Improvement Projects)

ACTION: Resolution No. 2001-24506 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

C7D Commission Memorandum No. 448-01

A Resolution Approving a Supplemental Agreement, in the Amount of \$873,103.71, to the Florida Department of Transportation Joint Participation and Reimbursement Agreement (JPA) for the North Shore Community Revitalization Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2001-24507 adopted. Tim Hemstreet to handle.

C7E Commission Memorandum No. 449-01

A Resolution Authorizing Funding, in the Amount of \$160,000, Available in Parking Revenue Bond Fund No. 481, to Be Used for Fund Additional Construction Costs, for the Renovation of the 42nd Street Parking Garage.

(Capital Improvement Projects)

ACTION: Resolution No. 2001-24508 adopted. Tim Hemstreet to handle.

C7F Commission Memorandum No. 450-01

A Resolution Authorizing the City Manager to Negotiate and Execute Amendment No. 3 to the Professional Services Agreement Between the City and Urban Resource Group for Professional Architectural/Engineering Services for the Venetian Causeway Master Plan, Dated February 13, 1997, Subject to Approval by the City Attorney as to Form; Said Amendment Providing for a Reduced Scope of Services for the Project and Crediting the City an Amount Commensurate with the Reduced Scope Associated with the Design, Bid, Award, and Construction Management Services Consistent with the Available Construction Funding for the Project.

(Capital Improvement Projects)

ACTION: Deferred to July 25th Commission Meeting at the request of Commissioner Liebman. Lilia Cardillo to place on agenda. Tim Hemstreet to handle.

City Clerk's Note: Cross reference: Urban Resources Group a Division of Kimley-Horn

C7G Commission Memorandum No. 451-01

A Resolution Authorizing the City Manager, or His Designee, to Submit an Application to the Florida Communities Trust for a Grant, in the Amount of \$2,200,000, to Defray the Cost of Acquiring a Land Parcel Containing Lots 6-13 and 15-21 of the Lyle G. Hall Subdivision and Tract 2 of the Bath Club Property, as More Particularly Described in the Attached Exhibit A, for the Development of Said Area as an Urban Open Space Project, and to Appropriate the Funds, If Awarded.

(Economic Development)

ACTION: Resolution No. 2001-24509 adopted. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

C7H Commission Memorandum No. 452-01

A Resolution Authorizing the City Manager, or His Designee, to Submit an Application to the Florida Department of State, Division of Cultural Affairs, for a Cultural Facilities Grant, in the Amount of \$500,000, for Reimbursement of Acquisition and Renovation Costs of the Byron-Carlyle Theater, Leveraging a Local Match of \$1,700,000 Appropriated for the Acquisition of the Byron-Carlyle Theater; Further Accepting the Grant and Appropriating the Funds, If Awarded.

(Economic Development)

ACTION: Resolution No. 2001-24510 adopted. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

C7I Commission Memorandum No. 453-01

A Resolution Authorizing the City Manager, or His Designee, to Submit an Application to the Florida Department of State, Division of Cultural Affairs, for a Phase II Cultural Facilities Grant, in the Amount of \$500,000, for the Renovation of the Colony Theater, with a Local Match of \$1,000,000 Comprised of \$700,000 from the United States Department of the Interior, Save America's Treasures Program and \$300,000 from Tax Increment Revenue Bonds, Tax Exempt 1998B Bond Series, City Center/Historic Convention Village; and to Appropriate the Funds, If Awarded.

(Economic Development)

ACTION: Resolution No. 2001-24511 adopted. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

C7J Commission Memorandum No. 454-01

A Resolution Extending the Agreement for Legislative Services Between the City and Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A., and Gomez Barker Associates, Inc., and Robert M. Levy & Associates, Inc. to Provide Lobbying and Consulting Services for the 2001/2002 Florida Legislative Session; Said Extension, as Provided in the Agreement, Commencing on October 1, 2001 and Ending on September 30, 2002.

(Economic Development)

ACTION: Resolution No. 2001-24512 adopted. Christina Cuervo to handle.

C7K Commission Memorandum No. 455-01

A Resolution (1) Accepting the Recommendation of the City Manager Pertaining to the Ranking of the Proposals Received in Response to Request for Proposals (RFP) No. 34-00/01, for Auditing Services; (2) Authorizing the Administration to Enter into Negotiations with the Top Ranked Firm of KPMG to Audit of the City's General Purpose Financial Statements, and If Unsuccessful in Negotiating a Contract with Kpmg, Authorizing the Administration to Enter into Negotiations with the Second Ranked Firm of Ernst and Young; (3) Authorizing the Administration to Enter into Negotiations with the Top Ranked Firm of Ernst & Young to Audit the Miami Beach Redevelopment Agency (RDA), the Miami Beach Convention Center (MBCC), the Jackie Gleason Theater of the Performing Arts (TOPA), the Miami Beach Visitor and Convention Authority (VCA), and the City of Miami Beach Parking System (MBPS), and If Unsuccessful in Negotiating a Contract with Ernst & Young, Authorizing the Administration to Enter into Negotiations with the Second Ranked Firm of Kpmg; and (4) Further Authorizing the Mayor and City Clerk to Execute Agreements with the Successful Firms in the Amount of \$99,500 for the City's General Purpose Financial Statements, and \$48,750 to Audit the RDA, MBCC, TOPA, VCA, and MBPS.

(Finance Department)

(Resolution to be Submitted)

ACTION: Resolution No. 2001-24513 adopted. Patricia Walker to handle.

C7L Commission Memorandum No. 456-01

A Resolution Accepting a Donation of Five (5) Automatic External Defibrillators (AED's) from Dr. Joseph Zebede of Mount Sinai Medical Center, Frank Pichichero of Medtronic USA, and Debbi Stanfield of Medtronic USA, on Behalf of the City.

(Fire Department)

ACTION: Resolution No. 2001-24514 adopted. Chief Jordan to handle.

C7M Commission Memorandum No. 457-01

A Resolution Authorizing the Appointment of Steven Weisberg for the Elderly Affairs Seat to the Jobs and Education Partnership (JEP) Regional Board.

(Human Resources)

ACTION: Withdrawn.

C7N Commission Memorandum No. 458-01

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of the Proposals Received in Response to Request for Pricing for the Data Communication Network and Infrastructure at City Hall, Authorizing the Administration to Appropriate \$440,000 from the General Fund Undesignated Fund Balance, and to Issue a Standing Order to All Sound Equipment of Miami (ASE), Pursuant to Florida Department of Transportation Contract No. ITB-DOT-98/99-6067DS.
(Information Technology)

ACTION: Resolution No. 2001-24515 adopted. Gus Lopez to issue Standing Order. Patricia Walker to appropriate the funds. Kay Randall to handle.

C7O Commission Memorandum No. 459-01

A Resolution Approving and Authorizing the City Manager to Issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach for Their Five Year Plan for Fiscal Years 2001/02-2005/06 and Their Annual Plan for Fiscal Year 2001/02, to Be Submitted by the Housing Authority to the U.S. Department of Housing and Urban Development (U.S. HUD).
(Neighborhood Services)

ACTION: Resolution No. 2001-24516 adopted. Miguell Del Campillo to handle.

10:44am**C7P Commission Memorandum No. 460-01**

A Resolution Adopting the City's One-Year Action Plan for Fiscal Year 2001/2002, Which Includes the Budgets for the Community Development Block Grant (CDBG) Program, the Home Investment Partnerships (HOME) Program, and the Emergency Shelter Grants (ESG) Program; Authorizing the Mayor and City Clerk to Execute Agreements Necessary to Implement the Community Development Block Grant (CDBG) and Emergency Shelter Grants (ESG) Activities, Which Were Included as Part of the One-Year Action Plan, as Follows: Twenty-Nine (29) CDBG Sub-Recipient Agreements, Two (2) CDBG Interdepartmental Cooperation Agreements; Two (2) ESG Interdepartmental Cooperation Agreement; and Three (3) ESG Sub-Recipient Agreements; Authorizing the Administration and the Office of the City Attorney to Make Minor Non-Substantive Changes to the One-Year Action Plan or Resulting Agreements Before Execution; Amending Certain Agreements, as Set Forth in the Body of this Resolution, for Fiscal Year 1999/2000, 1998/1999, 1997/1998, and 1996/1997 for the Community Development Block Grant Program to Extend the Expiration Dates of Said Agreements; Authorizing the City Manager to Execute All Applicable Documents and Submit the One-Year Action Plan to the U.S. Department of Housing and Urban Development (HUD) and Authorizing the Appropriation of All Federal Funds When Received.
(Neighborhood Services)

ACTION: Item separated for discussion by Vice-Mayor Bower.

Resolution No. 2001-24517 adopted. Motion made by Vice-Mayor Bower; Seconded by Commissioner Liebman; Voice vote: 7-0. Robert Middaugh to handle.

Denis Russ, Lilliam Janata, Harlan Sands, Joanna Revelo, and Roberto DaTorre spoke.

Mayor Kasdin and Vice-Mayor Bower requested the Administration and the Community Development Advisory Committee (CDAC) to explore the possibility of funding the LISC (Local Initiatives Support Corp.). Joanna Revelo to handle.

Commissioner Liebman requested a report on the streetscapes which are not funded as part of the GO Bond or Section 108 funding. Christina Cuervo to handle.

C7Q Commission Memorandum No. 461-01

A Resolution Approving an Amendment to the Consolidated Plan for Fiscal Years 1998-2002, Consisting of the Addition of a North Beach Neighborhood Revitalization Strategy, and Authorizing the City Manager to Submit Said Strategy to the U.S. Department of Housing and Urban Development (HUD); Authorizing the City Manager and Office of the City Attorney to Make Minor, Non-Substantive Changes to the Same Before Submission.

(Neighborhood Services)

ACTION: Resolution No. 2001-24518 adopted. Bob Middaugh to handle.

C7R Commission Memorandum No. 462-01

A Resolution Approving the First of Three One (1) Year Renewal Options to the Concession Agreement with Gold Star Parking Systems, Inc. for Valet Parking Services for the Miami Beach Convention Center and Jackie Gleason Theater of the Performing Arts (TOPA); Said One Year Option Commencing on September 15, 2001, and Expiring on September 14, 2002; Further Approving an Amendment to the Agreement for the Provision of Valet Parking Services to the Lincoln Road Corridor (Lincoln Road Unified Valet Parking Service).

(Parking Department)

ACTION: Resolution No. 2001-24519 adopted. Saul Frances to handle.

C7S Commission Memorandum No. 463-01

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of the Proposals Received in Response to Request for Proposals (RFP) No. 24-00/01, to Provide a Citywide Parking Demand Analysis; and Approving a Professional Services Agreement with the Most Qualified Firm of Walker Parking Consultants, Inc. in an Amount Not to Exceed \$153,500; Further Appropriating \$153,500 from Parking Revenue Bond Fund 481 and the Establishment of a Work Order for the Project.

(Parking Department)

ACTION: Resolution No. 2001-24520 adopted. Patricia Walker to appropriate the funds. Saul Frances to handle.

10:02 am

C7T Commission Memorandum No. 464-01

A Resolution Approving a Parking Lease Agreement with the National Marine Manufacturers Association (NMMA) Boat Show for the Preferred Parking Lot, and Related Areas, and Services to Be Provided by the City's Parking Department; Said Lease for Specific Dates in February 2002, 2003, and 2004; and Running Concurrently with the NMMA Boat Show Lease /Agreement for the Miami Beach Convention Center.

(Parking Department)

ACTION: Item initially approved via the Consent Agenda.

At the request of the Legal Department a motion to reconsider was made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0.

Resolution No. 2001-24521 adopted. Lease Agreement amended. Saul Frances to handle.

Motion made by Vice-Mayor Bower to amend the lease agreement by deleting "(multi-level parking structure)" in Section 9 of the agreement; seconded by Commissioner Cruz; Voice vote: 7-0.

C7U Commission Memorandum No. 465-01

A Resolution Authorizing, Retroactively, the Filing of a Grant Application, in the Amount of \$50,727, to the State of Florida 2001-2002 Drug-Free Communities Grant Program, and If Awarded, Authorizing the Budgeting and Expenditure of the Grant Funds.

(Police Department)

ACTION: Resolution No. 2001-24522 adopted. Chief Barreto to handle.

C7V Commission Memorandum No. 466-01

A Resolution Adopting the Fourth Amendment to the Police Confiscation Trust Fund for Fiscal Year 2000/01, in the Amount of \$410,000, to Be Funded from the Proceeds of State Confiscated Funds.

(Police Department)

ACTION: Resolution No. 2001-24523 adopted. Chief Barreto to handle.

C7W Commission Memorandum No. 467-01

A Resolution Authorizing the Administration to Issue a Request for Proposals (RFP) for the Establishment of a Job Order Contracting (JOC) System for Achieving Timely and Cost Effective Procurement of Maintenance and Construction Services for Capital Projects up to \$500,000 in Total Cost.

(Procurement)

ACTION: Resolution No. 2001-24524 adopted. Gus Lopez and Brad Judd to handle.

ADDENDUM ITEM: (C7X)**C7X Commission Memorandum No. 505-01**

A Resolution Approving and Authorizing the Placement of Ten (10) Banners for Foster's 2001 National Lifesaving Championships, to be Held August 9, 2001, to August 11, 2001, as Requested by the Applicant at the Following Locations: MacArthur Causeway, Between the Coast Guard Station and Alton Road; Said Banners to be Affixed to Light Poles in the Public Right-of-Way, Measuring 3 Feet X 7 Feet and Having Copy and Design as Shown on the Attached Drawings; to be Installed and Removed in Accordance with All Other Applicable City Requirements; the Administration Further Recommends that these Banners be Installed no Earlier than July 27, 2001, and Removed by August 12, 2001.

(Arts, Culture & Entertainment)

ACTION: Resolution No. 2001-24525 adopted. James Quinlan to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

10:03 pm

R2A Commission Memorandum No. 468-01

Request for Approval to Award a Contract to Carivon Construction Co., in the Amount of \$529,000, Pursuant to Bid No. 35-00/01, for the Painting and Waterproofing the Miami Beach Convention Center and the Jackie Gleason Theater of the Performing Arts (TOPA).

(Convention Center)

ACTION: Award approved. Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Voice vote: 7-0. Christina Cuervo to handle.

R5 - Ordinances**11:11 am**

R5A Commission Memorandum No. 469-01

An Ordinance Amending Chapter 82 of the Miami Beach City Code Entitled "Public Property" by Amending Section 82-412 Thereof Entitled "Posting of Signs on Utility Company Property or Public Property Prohibited; Enforcement; Fines; Appeal"; by Amending Subsection (A) Thereof to Clarify that the Owners and/or Benefactors of Prohibited Signs Shall be Subject to the Enforcement Procedures of Said Section; Providing for Codification, Repealer, Severability, and an Effective Date. **11:15 a.m.**

Second Reading, Public Hearing

(City Attorney's Office)

(First Reading June 27, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3312 adopted. Motion made by Commissioner Liebman; seconded by Vice-Mayor Bower; Ballot vote: 6-1; Opposed: Commissioner Garcia. R. Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

Commissioner Liebman stated that as part of the street furniture program now in progress that kiosk and computer technology should be considered to advertise events.

Handout:

1. Notice of Ad in Miami Herald.

11:36 am.

R5B Commission Memorandum No. 470-01

An Ordinance Authorizing Street Performers and Art Vendors in Public Areas Following Receipt of a Permit, Subject to Certain Conditions and a Permit Fee; Providing Definitions, Setting Forth Terms, Conditions and Regulations for Permits Issued to Street Performers and Art Vendors; Providing for Enforcement, Suspension or Revocation; Providing for Inclusion in the Code of the City of Miami Beach, Florida; Repealer; Severability; and an Effective Date. **11:30 a.m. Second Reading, Public Hearing**
(City Manager's Office)
(First Reading June 27, 2001)

ACTION: Heard in conjunction with item R7U. **Public Hearing held. Ordinance Number 2001-3313 adopted as amended.** Motion made by Commissioner Liebman; seconded by Commissioner Cruz; Ballot vote: 7-0; R. Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

Amendment: Sheri Sack, First Assistant City Attorney, read amendments to the Ordinance into the record. See Handouts for a list of the amendments.

Testimony given by Police Sergeant Howard Zeifman and Al Childress, Director of Code Compliance.

Amendment: **Commissioner Smith offered an amendment to increase the hours from 6:00 pm. to midnight, on Friday, Saturday, and Sunday nights. Commissioners Liebman and Cruz accepted the amendment.**

Amendment: **Commissioner Liebman; seconded by Commissioner Smith to add "Crafts" to the definition of "Arts" to the Ordinance. Commissioners Liebman and Cruz accepted the amendment.**

Commissioner Cruz requested the Administration to investigate planting a garden with flowers or roses in the Euclid oval on Lincoln Road. Kevin Smith to handle.

Commissioner Cruz requested the Administration to investigate the issues of using Lincoln Lane as a location for artists to display their art. James Quinlan to handle.

Vice-Mayor Bower requested the Administration, in addition to Lincoln Lane, to look for other areas for artists to display their art. A suggested site was on Pennsylvania Ave. between the east parking lot and the west parking garage. James Quinlan to handle.

Commissioner Smith stated that the ordinance does not identify any sites in the North Beach area and requested the Administration look at sites in North Beach area. James Quinlan to handle.

Handouts:

Request for modifications to the areas designated for the performers.

Handout:

1. Notice of Ad in Miami Herald.
2. Speaker's List.
3. Changes to Street Performers Ordinance read into the record by Sheri Sack, Assistant City Attorney
4. Background Materials Ordinance on Street Performers and Art Vendors July 2001. Photographs of Lincoln Rd., and Euclid Ave.
5. Circle of Life Coalition Survey/Petition.
6. Proposed Amendment to the 1000 Block Street Performer and Art Vendor Locations submitted by The Conras Company.

9:49:36 pm.

R5C Commission Memorandum No. 471-01

An Ordinance Amending the Land Development Regulations of the Code of the City of Miami Beach, Florida, Amending Chapter 130, "Off-Street Parking," Section 130-69.5, "Additional Requirements," to Clarify the Requirements for Parking Garages or Lots Desiring to Operate Past Midnight; Amending Chapter 118, Article IV, "Conditional Use Procedure," Section 118-194, "Compliance with Conditions," and Article VIII, "Procedure for Variances and Administrative Appeals," Section 118-356, "Revocation or Modification of Variance," to Amend the Procedures Applicable to Planning Board and Board of Adjustment Revocation or Modification of Conditional Use Approvals or Variances Where the Applicant Exhibits Repeated or Intermittent Noncompliance with the Conditions of Such Approvals; Amending Chapter 118, Article X, Historic Preservation, Section 118-503, "Scope and Exemptions," and Section 118-561, "General Requirements," to Clarify That Certificates of Appropriateness are Required Prior to Any Temporary or Permanent Modification to a Building or Site; Providing for Inclusion in the Code of the City of Miami Beach, Florida; Repealer; Severability; and an Effective Date. **5:01 p.m. Second Reading, Public Hearing**

(City Attorney's Office)

(First Reading, Public Hearing June 6, 2001)

ACTION: Public hearing held. Ordinance Number 2001-3314 adopted. Motion made by Commissioner Garcia; seconded by Vice-Mayor Bower; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code Corporation. Jorge Gomez to handle.

Handout:

1. Notice of Ad in Miami Herald.

9:52:31 pm

R5D Commission Memorandum No. 472-01

An Ordinance Establishing a Temporary Moratorium on the Enforcement of Certain Regulations Pertaining to the Operation of Parking Lots on Ocean Drive to Allow Parking Lots as a Main Permitted Use and to Allow Their Operation as a Provisional Parking Lot and Under the Same Conditions Provided Under Conditional Use Permit if Said Lots Operated, at Any Time from 1995 to the Present, as a Permitted Provisional Lot with Conditional Use Approval; the Moratorium Shall Automatically Dissolve Upon the Earlier of October 17, 2001, or Upon the Adoption of Amendments to the Miami Beach City Code Relating to Parking Lots on Ocean Drive. **5:15 p.m. Second Reading, Public Hearing**

(City Attorney's Office)

(First Reading, Public Hearing June 27, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3315 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Cruz; Ballot vote: 5-2; Opposed: Vice-Mayor Bower and Commissioner Liebman. R. Parcher to transmit to Municipal Code Corporation. Al Childress to handle.

Handout:

1. Notice of Ad in Miami Herald.

10:00:08 pm

R5E Commission Memorandum No. 473-01

An Ordinance Amending Chapter 82 of the Miami Beach City Code Entitled "Public Property" by Amending Division 3 Thereof Entitled "Newsracks" by Amending Sections 82-176 Through 82-257 to Provide That Enforcement of the Regulations in Division 3 Shall Be the Responsibility of the City Manager or the City Manager's Designee and Deleting All References to the Public Works Department of the City of Miami Beach; Providing for Codification, Repealer, Severability and an Effective Date. **First Reading**

(Requested by Commissioner Nancy Liebman)

ACTION: Discussion held. Ordinance approved on first reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 5, 2001. R. Parcher to notice. Lilia Cardillo to place on agenda. Fred Beckmann to handle.

10:01:24 pm

R5F Commission Memorandum No. 474-01

An Ordinance Amending the Code of the City of Miami Beach, Florida, Chapter 82, "Public Property," Article IV, "Uses in Public Rights-of-Way," Division 6, "Prohibited Signs Over Public Property," to Adopt a New Section 82-414, Entitled "Permitted Signs, Shelters and Advertising in Public Rights-of-Way," to Clarify the City's Authority to Place Signs in the Public Right-of-Way, Including Directory Signs, and Signs Associated with Bus Shelters, Which May Include Advertising, Providing for Codification; Repealer; Severability; and an Effective Date. **First Reading**

(City Manager's Office)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 5, 2001. R. Parcher to notice. Lilia Cardillo to place on agenda. Ronnie Singer to handle.

10:03:44pm

R5G Commission Memorandum No. 475-01

An Ordinance Amending Chapter 2 Entitled "Administration"; by Amending Article III Entitled "Agencies, Boards and Committees"; by Creating Division 31 Entitled "Nightlife Advisory Council" and Providing for the Purpose, Powers and Duties, and Composition of the Council; Providing for Repealer; Providing for Severability; Providing for Codification; and Providing for an Effective Date. **First Reading**

(City Manager's Office)

ACTION: Deferred. Motion made by Commissioner Garcia to defer to the September 5, 2001 Commission Meeting; seconded by Commissioner Smith; Voice vote: 7-0. Lilia Cardillo to place on agenda.

3:52:58 pm

R5H Commission Memorandum No. 476-01

An Ordinance Amending Ordinance No. 789, the Classified Employees Salary Ordinance of the City of Miami Beach, Florida, Providing for Those Classifications Represented by the Fraternal Order of Police (FOP) in Accordance with the Negotiated Agreement a 4% Increase the First Full Payroll Period that Begins on or After September 25, 2000, and a 4% Increase Effective with the First Full Payroll Period that Begins on or After September 24, 2001, and a 4% Increase Effective with the First Full Payroll Period that Begins on or Before September 30, 2002; Repealing All Ordinances in Conflict; Providing for Severability; and Providing for an Effective Date. **First Reading**

(Human Resources)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for July 25, 2001 at 9:30 am. R. Parcher to notice (see Sunday July 16, 2001, pg 18 of the Miami Herald Neighbors). Lilia Cardillo to place on agenda. Mary Greenwood to handle.

R6 - Commission Committee Reports

R6A Commission Memorandum No. 477-01 (Page 665)

Report of the G.O. Bond Oversight Committee Meeting of July 2, 2001: **1)** Projects Status Report; **2)** Report from Hazen and Sawyer; **3)** Park(s) Project Status Update; **4)** Informational Items; and **5)** Reference Materials.

ACTION: Not reached.

R6B Verbal Report of the Finance and Citywide Projects Committee Meeting of July 11, 2001: **1)** Discussion of Equipment Lease/Loan Program; **2)** Discuss Possible Financial Relief to the Property Owners and Tenants Affected by the Construction on Collins Avenue; **3)** Discussion of Historic Tax Credit for Qualifying Renovations to Single Family Residential Properties; and **4)** Discussion of Facility User Fees for Parks.

ACTION: Not reached.

R6C Verbal Report of the Joint G.O. Bond Oversight and Finance and Citywide Projects Committee Meeting of July 16, 2001: **1)** Proposed Capital Improvement Program Budget.

ACTION: Not reached.

R6D Verbal Report of the Joint Land Use & Development and Finance & Citywide Projects and Community Affairs Committee of July 17, 2001: **1)** Discussion Regarding Special Events Policy Regarding Markets; **2)** Discussion and Direction of the Proposed Guidelines Establishing Rental Fee Waivers Requested by Qualified Groups, Organizations or Other Users of the Miami Beach Parks and Recreation Department's Parks and Recreation Facilities; **3)** Discussion Regarding Honoring Skip Bertman; **4)** Discussion Regarding Honoring Former Mayor Mel Richards; **5)** Request from Miami-Dade County Police Benevolent Association (PBA) for Consideration of Honoring Fallen Officers; **6)** Discussion Regarding Monument Island.

ACTION: Not reached.

Handout:

1. Written Report of the meeting: Commission Memorandum 510-01 - Joint Meeting of the Land Use & Development Committee, Finance & Citywide Projects Committee, and Community Affairs Committee of July 27, 2001.

R6E Verbal Report of the Neighborhoods Committee Meeting of July 17, 2001: **1)** Discussion Regarding the Creation of Parks Programs Blue-Ribbon Citizen Committee.

ACTION: Not reached.

Handout:

1. LTC 164-2001 - Verbal Report of the Neighborhoods Committee Meeting of July 17, 2001.

R7 - Resolutions**11:07:26 am**

R7A Commission Memorandum No. 478-01

A Resolution Authorizing the Mayor and City Clerk to Execute the Attached Lease Agreement with the School Board of Miami-Dade County for the Use of the Flamingo Park Baseball Stadium by the Miami Beach Senior High School Baseball Team During its Baseball Season, (Maximum of 118 Days), at the Initial Cost of \$10,682.92, Including Annual Renewal Increases and Additional Charges, as Stipulated in the Agreement; Further Providing That a Total of \$10,075 Shall Be Paid to the City by the School Board, Payable as Detailed in the Agreement, for Past Usage of the Baseball Stadium, Beginning with the 1997-98 Baseball Season; Said Lease Having a Term of Four (4) Years and 364 Days; Further Waiving, by 5/7ths Vote, the Competitive Bidding and Appraisal Requirements Pursuant to Ordinance No. 92-2783, Governing the Use and/or Sale of City-Owned Property, Finding Such Waivers to Be in the Best Interest of the City. **10:30 a.m. Public Hearing**

(Parks and Recreation)

ACTION: Public Hearing held. Resolution No. 2001-24526 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Voice vote: 7-0. Kevin Smith to handle.

Handout:

1. Notice of Ad in Miami Herald.

11:08:05 am

R7B Commission Memorandum No. 479-01

A Resolution Vacating and Approving the Sale of Approximately 17 Sq. Feet of the City-Owned Right-of-Way Adjacent to the Property Located at 825-845 Lincoln Road, Miami Beach, Miami-Dade County, Florida, to Lincoln 845 LLC, as the Owner of the Adjacent Property; Further Waiving by 5/7ths Vote, the Competitive Bidding Requirement Pursuant to Ordinance No. 92-2783; and Authorizing the Mayor and City Clerk to Execute Any and All Documents to Effectuate the Transaction, Including a Quitclaim Deed, Subject to Final Review of Same by the City Attorney's Office. **10:45 a.m. Public Hearing**

(Public Works)

ACTION: Public Hearing held. Resolution No. 2001-24527 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Voice vote: 7-0. Fred Beckmann to handle.

Handout:

1. Notice of Ad in Miami Herald.

City Clerk's Note: See Supplemental Materials for the revised Resolution

11:10:14 am

R7C Commission Memorandum No. 480-01

A Resolution Affirming the Development Regulations Pertaining to the Colony Theater, and Waiving Certain of These Regulations Pursuant to Section 142-425(D) of the Code of the City of Miami Beach, in Order to Preserve the Colony Theater's Architectural Integrity and to Upgrade its Use as a Fully Functional, ADA Compliant, Performance Facility. **11:00 a.m. Public Hearing**
(City Manager's Office)

ACTION: Public Hearing held. Resolution No. 2001-24528 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice-vote: 6-0; Absent: Commissioner Liebman. Christina Cuervo to handle.

Handout:

1. Notice of Ad in Miami Herald.

3:55:25 pm

R7D Commission Memorandum No. 481-01

A Resolution Authorizing the Mayor and City Clerk to Execute a Lease Agreement Between the City of Miami Beach and the Boys and Girls Club of Miami, Inc., for the Lease of the One Story City-Owned Building in Flamingo Park, Located at 1000-12th Street, Miami Beach, Florida, for a Term of Four (4) Years and Three Hundred Sixty Four (364) Days, Commencing on August 1, 2001, and Ending on July 30, 2006; Further Waiving, by 5/7ths Vote, the Competitive Bidding and Appraisal Requirements, as Set Forth in Section 82-39 of the Miami Beach City Code, Finding Such Waiver to be in the Best Interest of the City. **2:00 p.m. Public Hearing**

(Asset Management)
(Continued from June 27, 2001)

ACTION: Public Hearing held. Resolution No. 2001-24529 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice-vote: 6-0; Absent: Commissioner Liebman. Joe Damien to handle.

3:56:02 pm

R7E Commission Memorandum No. 482-01

A Resolution Authorizing the Mayor and City Clerk to Execute a Lease Agreement Between the City of Miami Beach and the Concert Association of Florida, Inc., for the Management and Operation of the Colony Theatre, Located at 1040 Lincoln Road, Miami Beach, Florida, for a Three Year Term, Commencing on August 1, 2001, and Ending on July 31, 2004; Further Waiving, by 5/7ths Vote, the Appraisal Requirement, as Set Forth in Section 82-39 of the Miami Beach City Code, Finding Such Waiver to be in the Best Interest of the City.

2:15 p.m. Public Hearing

(Asset Management)
(Continued from June 27, 2001)

ACTION: Public Hearing held. Resolution No. 2001-24530 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice-vote: 6-0; Absent: Commissioner Liebman. Joe Damien to handle.

10:20:37 am

R7F Commission Memorandum No. 483-01

A Resolution Authorizing the City Manager, or His Designee, to Sign All Contracts, Agreements, Purchase Orders, Change Orders and Grant Applications That May Affect the Health, Safety, or Welfare of the City; Renew Existing Contracts Which May Expire; Terminate Existing Contracts as Needed; and Toll All Acts Relative to Administrative Appeals Provided for in Subpart B, Land Development Regulations of the Code of the City of Miami Beach, from the Last Commission Meeting on July 25, 2001, until the First Commission Meeting on September 5, 2001, Subject to Ratification by the City Commission at its Meeting on September 5, 2001. **Joint City Commission and Redevelopment Agency**

(Procurement)

ACTION: Heard in conjunction with RDA-3A.

Resolution No. 2001-24531 adopted. Motion made by Commissioner Liebman; seconded by Vice-Mayor Bower; Voice vote: 7-0. Gus Lopez to handle. Lilia Cardillo to schedule any ratification items which may be necessary.

9:47:04 pm

R7G Commission Memorandum No. 484-01

A Resolution Approving Additional Services, in the Amount of \$43,000, for the Firm of Arthur Hills/Steve Forrest and Associates, for Design and Engineering Services of a Horizontal Wells Irrigation System for the Bayshore Golf Course Renovation Project; Appropriating Funds, in the Amount of \$43,000 for the Additional Services; and Further Approving the Estimated \$1,100,000 Additional Costs for the System; with Funding Available from the General Fund Undesignated Fund Balance, to be Reimbursed from Grants and Other Funding Sources when Funds Become Available.

(Capital Improvement Projects)

ACTION: Resolution No. 2001-24532 adopted. Motion made by Commissioner Liebman; seconded by Commissioner Garcia; Voice vote: 7-0. Tim Hemstreet and Patricia Walker to handle.

9:49:13 pm.

R7H Commission Memorandum No. 485-01

A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Amendment to the Current Professional Services Agreement with the Firm of McHarry and Associates, Inc., in the Amount of \$54,247, for the Provision of Additional Architectural, Engineering and Landscape Architectural Services to Complete the Design, Construction Documentation, Construction Administration, and to Develop Specifications for the Phase I Improvements of Fire Station No. 4; Consisting of the Construction of a New Three (3) Bay Apparatus Facility, Combined with a New Police Substation; and Authorizing the Appropriation of Funds, in the Total Amount of \$323,473, from the 1999 General Obligation Bond Fund to Cover the Following Expenses for the Project: \$54,247 for the Additional Professional Design Services Fee; \$44,788 for Capital Improvement Projects Management Fee, and the Remaining Balance of \$224,438 for Program Management Services.

(Capital Improvement Projects)

ACTION: Deferred to July 25 Commission Meeting. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Tim Hemstreet and Patricia Walker to handle.

3:56:33 pm.

R7I Commission Memorandum No. 486-01

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of the Proposals Received in Response to Request for Proposals (RFP) No. 22-00/01, for the Management and Operation of Beachfront Concessions on the Beaches Seaward of Lummus Park, Ocean Terrace and North Shore Open Space Park; Authorizing the Administration to Enter into Negotiations with the Top Ranked Firm of Penrod Brothers, Inc., and If Unsuccessful in Negotiating a Contract with the Top Ranked Firm of Penrod Brothers, Inc.; Authorizing the Administration to Negotiate a Contract with the Second Ranked Firm of Boucher Brothers.

(City Manager's Office)
(Resolution to be Submitted)

ACTION: Resolution No. 2001-24533 adopted as amended.

Presentation made by the Boucher Brothers.

Presentation made by the Penrod Brothers, Inc.

Colleen Martin and Jerry Marsch stated on behalf of the Beach Preservation Committee, that the Committee prepared eleven (11) recommendations for the preservation of the public beaches for the Administration to consider.

Motion made by Commissioner Dermer to approve the Administration recommendations; seconded by Vice-Mayor Bower; Ballot vote: 3-4; Opposed: Mayor Kasdin, and Commissioners Cruz, Garcia and Liebman. Motion failed.

Discussion continued.

Motion made by Vice-Mayor Bower to have an outside evaluator review the proposals. Discussion continued. Vice-Mayor Bower withdrew her motion.

Motion made by Commissioner Cruz recommending the second ranked firm - Boucher Brothers; seconded by Commissioner Liebman; Ballot vote: 7-0. Christina Cuervo to handle.

Commissioner Liebman expressed her concern with the evaluation process.

Vice-Mayor Bower stated that the chairs and umbrellas should be placed on the beach in an "as needed" basis.

Handout:

1. Ballot Vote #1.

2. Ballot Vote #2.
3. R7I-Beach Concession agreement Recommendation - July 17, 2001 Commission testimony
4. Log of Concession Installation, Stored Inventory in Stacks and Real Demand. This includes pictures of the beach.
5. The following points were voted unanimously by The Beach Preservation Committee at its July 10th Meeting, in its advice and comment on the proposed Beach Concession Agreement.
6. Notice of Federal Tax Lien. - Boucher Brothers Pool and Beach Management, Inc.
7. Penrod's Beach Menu.
8. Memo from Jorge M. Gonzalez to Commissioner Cruz , dated July 18, 2001, RE: Request for correspondence with Penrod Brothers during the Jose Garcia-Pedrosa Administration. A copy of Commissioner Cruz's memo to the City Manager requesting correspondence.
9. Black binder containing documents from Boucher Brother's Florida Corporations.
10. Letter from the Miami Beach Marriott signed by Jeffrey A. Hudson to Michael Boucher, dated July 5, 2001.
11. Black binder containing documents from Monty's Florida Corporations.
12. Response to Request for Proposal No. 22-00/01 from Monty's Miami Beach, LLC , and Boucher Brothers Miami Beach LLC. (Thick folder with bamboo folder)

City Clerk's Note: See Supplemental Materials: Resolution and Financial Analysis.

8:23:26 pm

R7J Commission Memorandum No. 487-01

1. A Resolution Appropriating \$744,375 in Federal Transit Administration (FTA) Section 5309 Funds, Earmarked in Fiscal Year 1998-99 for Capital Purposes of the Electrowave Shuttle Project; with the Required \$186,094 Local Match Being Provided by the Florida Department of Transportation (FDOT) as a Soft Match, Utilizing Toll Revenue Credits; Advancing \$708,731 in Funds from Undesignated General Fund Balance for the Procurement of Bus and Bus-Related Equipment, for Subsequent Reimbursement by FTA Grant Number FL-03-0191, Via Miami-Dade Transit, Within Three Months of Invoice Submittal by the City; this Reimbursement Including \$35,644 Already Expended by the City in the Retrofit of a Fleet Management Service Bay into an Auxiliary Battery Storage/Charging Facility, Which was Completed in 2000.
2. A Resolution of Authorizing the Issuance of a Fourth Change Order to Existing Contract with Advanced Vehicle Systems (AVS), Inc., for the Purchase of Twenty Four (24) Sets of Electric Batteries, in the Amount of \$313,200, Utilizing Advanced City Funds for Subsequent Reimbursement by Federal Transit Administration (FTA) Section 5309 Funds, Grant Number FL-03-0191, as Appropriated by the Resolution No. 2001-24534. Dated July 18, 2001.
3. A Resolution Authorizing the Issuance of a Purchase Order for the Purchase of One (1) Electric/ Hybrid Bus from Advanced Vehicle Systems (AVS), Inc., for Testing Purposes of the Electrowave Shuttle Project, in the Amount of \$244,526, Pursuant to a Hillsborough Area Regional Transit (HART) RFP #98-07-02, and HART's Resolution R2001-06-49, Which Extended the Purchase Order Through March 3, 2002, for the Acquisition of Electric/Hybrid Buses; and Further Utilizing a Portion of the Advanced City Funds for Subsequent Reimbursement by Federal Transit Administration (FTA) Section 5309 Funds, Grant Number FL-03-0191, as Appropriated by Resolution No. 2001-24534, Dated July 18, 2001.

(Transportation/Concurrency Management)

ACTION: Motion made by Commissioner Liebman to adopt the three (3) resolutions; seconded by Vice-Mayor Bower; Voice vote: 7-0.

#1. Resolution No. 2001-24534 adopted. Patricia Walker to handle.

#2. Resolution No. 2001-24544 adopted. Drew Terpak to handle.

#3. Resolution No. 2001-24543 adopted. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

Commissioner Cruz recommended that the Administration establish a committee to develop a comprehensive plan which will look at the problems, development a short and long term strategy, including

costs over the next 5 years, and serve as a program evaluation committee with Vice-Mayor Bower as the committee chair. Joseph Johnson to handle.

3:55:06 pm

R7K Commission Memorandum No. 488-01

A Resolution to Ratify the Three-Year Labor Agreement Between The City of Miami Beach and the Fraternal Order of Police, William Nichols Lodge No. 8 (FOP) for the Period from October 1, 2000 Through September 30, 2003, and Authorize the Mayor and City Clerk to Execute the Agreement.

(Human Resources)

ACTION: Resolution No. 2001-24535 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Liebman. Mary Greenwood to handle.

9:57:08 pm

R7L Commission Memorandum No. 489-01

A Resolution Authorizing the Administration to Enter Into Negotiations and, If Successful, Further Authorizing the Renewal with Humana, to Provide Group Medical Insurance for Employees and Retirees for a One-Year Period Effective on October 1, 2001.

(Risk Management)

ACTION: Resolution No. 2001-24536 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 5-0; Absent: Commissioners Garcia and Smith. Mary Greenwood and Cliff Leonard to handle.

9:58:39 pm

R7M Commission Memorandum No. 490-01

A Resolution authorizing the Administration to Waive, by 5/7th Vote, the Formal Bid Process and Negotiate a Contract With Motorola, Inc., Ericsson, or Any Other Public Safety System Provider as Determined by the City of Miami Beach in Regard to the Replacement of the Existing City of Miami Beach 800MHZ Analog Radio System and the Purchase of a New 800HMZ Trunked Digital Simulcast Smartzone Public Safety Radio System.

(Information Technology)

(Resolution to be Submitted)

ACTION: Resolution No. 2001-24537 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Kay Randall to handle.

City Clerk's Note: See Supplemental Materials: Resolution

9:59:34 pm

R7N Commission Memorandum No. 491-01

A Resolution Approving and Authorizing the Mayor and City Clerk to Execute the Professional Services Agreement with Coastal Systems International, Inc., in the Amount of \$581,140, for the Architectural, Engineering and Construction Management Services for the Design, Permitting and Construction of the North Beach Recreational Corridor and Renovation of the Adjoining Allison and Band Shell Parks, and Appropriating \$500,000 from the General Obligation (GO) Bond Series 2000 for the Project.

(Public Works)

ACTION: Resolution No. 2001-24538 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Garcia; Voice vote: 7-0. Fred Beckmann and Patricia Walker to handle.

R7O Commission Memorandum No. 492-01

A Resolution Calling for a Special Election to Be Held on Tuesday, November 6, 2001, for the Purpose of Submitting to the Electorate of the City of Miami Beach a Question Asking Whether City Charter Sections 2.01 and 2.02 Should Be Amended to Provide That Commencing with the General Election in November 2003, the Term of Office for Mayor Shall Be Increased from Two Years to Four Years, with the Mayor's Term Limits Increased from Six Consecutive Years to Eight Consecutive Years.

(Requested by Mayor Neisen Kasdin)

ACTION: Referred via the Consent Agenda to the Community Affairs Committee. Judy Hoanshelt to place on committee agenda.

City Clerk's Note: See Supplemental Materials: Item changed from a Resolution to a Referral

R7P Commission Memorandum No. 493-01

A Resolution Calling for a Special Election to Be Held on November 6, 2001 for the Purpose of Submitting to the Electorate of the City of Miami Beach a Question Asking Whether the Miami Beach City Charter Should Be Amended to Provide for the Repeal of Election of Commissioner Candidates by Individual Groups, Substituting Therefore Commissioner Elections via Pool of Candidates, with Candidates Elected Equal in Number to Vacant Commissioner Seats Receiving Highest Number of Votes, Allowing Voters to Cast One Vote per Candidate up to Number of Seats to Be Filled, Retaining Separate Mayoral Election, Providing for Runoff Election(s) as Necessary; and Conforming "Vacancy in Candidacy" Charter Language to Pool Election Provision.

(Requested by Mayor Neisen Kasdin)

ACTION: Referred via the Consent Agenda to the Community Affairs Committee. Judy Hoanshelt to place on committee agenda.

City Clerk's Note: See Supplemental Materials: Item changed from a Resolution to a Referral

8:51:16 pm.

R7Q Commission Memorandum No. 494-01

A Resolution Calling for a Special Election to be Held on Tuesday, November 6, 2001, for the Purpose of Submitting to the Electorate of the City of Miami Beach a Question Asking Whether City Charter Section 1.03(C) Should be Clarified by Deleting Reference to "Platted," to Confirm that the Zoned Floor Area Ratio of All Applicable Waterfront Property May Not be Increased without Voter Approval; and Amended to State that Commencing July 18, 2001, the Applicable Zoned Floor Area Ratio which May Not be Increased without Voter Approval is Changed from Floor Area Ratio Existing on June 4, 1997 to Floor Area Ratio Existing on November 7, 2001.

(Requested by Commissioner David Dermer)

ACTION: Discussion held. **Resolution No. 2001-24539 adopted.** Motion made by Commissioner Dermer; seconded by Commissioner Garcia ; Ballot vote: 4-3; Opposed: Mayor Kasdin, and Commissioners Cruz and Liebman. Robert Parcher to handle.

Handout:

1. Ballot Vote.
2. Letter from W. Tucker Gibbs to Jean Olin, dated July 10, 2001; RE: Miami Beach Charter Section 1.03? proposed clarification and Amendment

10:14:09 am

R7R Commission Memorandum No. 495-01

A Resolution Supporting the American Le Mans Series Scheduled to Take Place in the City of Miami on April 5 - 7, 2002.

(Requested by Mayor Neisen Kasdin)

ACTION: Discussion held. **Item deferred by Mayor Kasdin.**

Vice-Mayor Bower expressed concerns about the traffic impact on the residence of Palm, Hibiscus and Star Islands, noise problems, and the possible parking problems.

In addition, Commissioner Liebman expressed her concern with the impact on Bayfront Park.

Commissioner Dermer stated that all of the questions need to be answered and that perhaps an LTC from the Administration is needed. Joseph Johnson and Jorge Gomez to handle.

ADDENDUM ITEM (R7S)**10:42:36 am****R7S Commission Memorandum No. 506-01**

**A Resolution Authorizing the Mayor and City Clerk to Execute a Supplemental Parking Agreement and a Revocable License Agreement Among Murano Two, LTD., a Florida Limited Partnership, Murano Three, LTD., a Florida Limited Partnership, Sun & Fun, Inc., a Florida Corporation, Beachwalk Development Corporation, a Florida Corporation, Azure Coast Development, LTD., a Florida Limited Partnership, East Coastline Development, LTD., a Florida Limited Partnership, and Sandpoint Financial, LTD., a Florida Limited Partnership; the City of Miami Beach, Florida, the Miami Beach Redevelopment Agency, and Miami Beach Marina Associates, LTD., a Florida Limited Partnership, and an Amended and Restated Parking Sublicense Among the City of Miami Beach, the City of Miami Beach Redevelopment Agency and Miami Beach Marina Associates, LTD.; and Authorizing the Mayor and City Clerk to Execute a Declaration of Restrictive Covenants in Lieu of Unity of Title with Respect to the Federal Triangle Parcel in Order to Provide for the Unity of Title Required to Submit an Application to the Planning Board for Approval of the Proposed Vehicular and Pedestrian Ingress and Egress to the Alaska Parcel for Replacement Parking for the Miami Beach Marina. Joint City Commission and Redevelopment Agency
(City Manager's Office)**

ACTION: Heard in conjunction with item RDA-3B.

Mayor Kasdin, for general public clarification, asked if this is a legal obligation according to the settlement agreement. This was affirmed by Christina Cuervo.

Resolution No. 2001-24540 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Commissioner Dermer. Christina Cuervo to handle.

Handout:

1. Amended and Restated Parking Sublicense.
2. Supplemental Agreement.
3. Revocable License Agreement.
4. See Revised Exhibit ?A? dated 7/20/01

ADDENDUM ITEM (R7T)**9:46:35 pm****R7T Commission Memorandum No. 507-01**

A Resolution Approving and Adopting the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations that Include Amendments (1) Requiring That Only Upland Owners May Apply for Beachfront Concession Operations; (2) Providing for a New Fee Schedule Based on Number of Upland Units; (3) Providing a Classification for Waterside Equipment That May Be Used in Swim Areas; (4) Providing for the Cooking and/or Heating of Food; and (5) Providing for Design Guidelines and Approval Procedures for Facilities Used for Dispensing of Services and/or Storage of Equipment and Supplies Associated with Beachfront Concession Operations; and Further Providing for an Effective Date and Repealing Any and All Previously Approved and/or Authorized Rules and Regulations for Beachfront Concession Operations.

(Economic Development)

ACTION: Deferred to July 25th Commission Meeting with a time-certain. Motion made by Vice-Mayor Bower; seconded by Commissioner Liebman; Voice vote: 7-0. Lilia Cardillo to place on agenda.

3:45:47 pm.**R7U Commission Memorandum No. 509-01**

A Resolution Establishing an Application Processing Fee for Street Performers and Art Vendors in Public Areas Pursuant to the Street Performer and Art Vendor Ordinance.

(City Manager's Office)

ACTION: Heard in conjunction with item R5B.

Resolution No. 2001-24541 adopted. Motion made by Commissioner Liebman; seconded by Vice-Mayor Bower. Discussion continued. Vice-Mayor Bower withdrew her second. Commissioner Cruz seconded the motion. Voice vote: 5-1; Opposed: Vice-Mayor Bower; Absent: Commissioner Smith. Patricia Walker to handle.

Administration to notify the public of the fees and the effective date. Al Childress to handle.

Handout:

1. Second Addendum.

R9 - New Business and Commission Requests

R9A Commission Memorandum No. 496-01

Board and Committee Appointments.

(City Clerk's Office)

Golf Advisory Committee:

Brian Judge

term expires 12/31/2002 appointed by Commissioner Cruz

10:02:41 pm

R9A1 Commission Memorandum No.

Appointments to the Personnel Board.

(City Manager's Office)

(To Be Submitted)

ACTION: Motion made by Vice-Mayor Bower to appoint Jack Bernstein to the Personnel Board; seconded by Commissioner Garcia; Voice vote: 7-0. T. C. Adderly to handle.

Personnel Board:

Jack Bernstein

term expires 12/31/2001 appointed by City Commission

City Clerk's Note: See Supplemental Materials: Commission Memorandum 508-01

3:07:54 .pm.

R9B(1) Dr. Stanley Sutnick Citizen's Forum.

ACTION:

1. **Mr. Riley** commented of his experiences during the storms since the hurricane 75 years ago in Miami Beach, and asked the City to prepare for evacuation. He suggested having an electric generator on high rises for elderly people to evacuate properly.
2. **Elizabeth Donnelly** stated that On North Bay Road there is a situation where the neighbors believe an owner bought a property and that the City vacated it. The owner was given a revocable permit ten years ago and during recent repairs, the City asked that the wall be replaced. This is public property, not private. Mr. Alvarez, Public Works, found out that the man was suppose to put a gate. The man should have built a wall and enclosed the property from the bay to the street to have security and privacy. I asked for a gate before he did and was turned down for a permit for a wall. I want equality and justice for my request to build a wall.
3. **Chris Handley** made reference to letters, one answered by City Manager Jorge Gonzalez and a second by

another resident from The Lincoln Building on 17th and Michigan. He spoke regarding construction being done next to his condominium and the concern for fire safety. He added that there were major problems with regards to garage accessibility and the lack of privacy.

Mayor Kasdin added that the project is in construction and cannot be altered; however, if it is impacting the condominium, Administration will investigate to make sure that the contractors are doing the work according to the approved plans and to find out if there are other side impacts. **Phil Azan to handle.**

Commissioner Liebman added that the Design Review Board may reveal factors that can mitigate his concerns. **Jorge Gomez to handle.**

4. **Carlos Gonzalez**, owner of Pump is requesting approval for an amendment to the ordinance to operate on a trial basis on Monday mornings, since there is no school on South Beach.

Mayor Kasdin stated that an ordinance would have to be brought before the City Commission in order to amend and that they have no power to suspend or change the ordinance until September.

5. **Raphael Herman**, owner of property at 4190 Nautilus Drive and resident of Miami Beach for 23 years, believes he has been issued several violations regarding a fence without justification and this violates his constitutional rights. Mr. Herman is requesting a meeting between the City Attorney, City Manager, Philip Azan, Al Childress and the Mayor and himself to come to an agreement to make his current violation null and void.

The City Manager will review the information and Mayor Kasdin will look at the facts.

6. **Jo Asmundsson** asked the Commission to seriously consider passing a Resolution in regards to the new ballot boxes that will be bought for the State. For as little as \$300 they can be converted so that blind people can vote for themselves.
7. **Mike Thompson**, Normandy Island resident, spoke on two issues:

a) Section 108 Loan for specific streets enhancements; which was presented at the Commission meeting and passed twice. The streets were not included in the \$92M bond program, because they were provided under this shelter. I have asked where the monies are and my questions have gone unanswered.

Commissioner Liebman requested clarification in regards to 72nd Street. Commissioner Smith explained that the Administration addressed the 108 issue, and added that some of the monies are already being spent on these streets.

b) FPL will begin trenching West Bay Drive and dig a 6 foot wide trench on one block of Calais. He does not understand why the Water and Sewers Bond and the Section 108 Loan, used to fix parking in the

neighborhood, were used as a combined package.

Commissioner Liebman stated that as far as FPL goes, for those street that are not included in the GO bond, the Commission has to make adjustments.

The City Manager added that Hazen & Sawyer is looking at the master schedule of all projects to see where is possible to coordinate efforts to dig once and mitigate adverse impact on the neighbors. **Tim Hemstreet to handle.**

8. **Luis Rodriguez**, 360 Collins Avenue, resident, expressed his opinion regarding the beach concession agreement. His main concern is encroachment of chairs on the beach. Locals enjoy the beach in its natural state. He requests that there be a limit as to the number of chairs. In Brazil chairs are placed out as needed.
9. **Bea Kalstein** complimented Jorge Gonzalez, City Manager, in regards to an article in which comments were made about the budget and how the City has learned to be more prudent. She would like to see some of the progress stopped in regards to tall buildings. She added that Collins is being torn down to have more tall buildings.

Handout:

1. Speaker's List.
2. Request from Mike Thompson on Normandy Island Street.
3. Letter from Jorge M. Gonzalez to Mr. Chris Handley, dated June 20, 2001, RE: DRB File No. 12108 - The Lincoln.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

R9C Discussion Regarding AIDS/HIV Statistics in Miami Beach.

(Requested by Commissioner David Dermer)

(Deferred from June 27, 2001)

ACTION: Not reached.

City Clerk's Note: Attached to this item are:

1. Commission Memorandum from Jorge Gonzalez, dated June 27, 2001
2. Surveillance Report dated 6/15/2001

R9D Discussion Regarding the Possible Conversion of Ocean Drive South from 15th to 5th Streets and Collins Avenue North from 5th to 15th Streets to One-Way Traffic During the Evenings.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Withdrawn.

R9E Discussion Regarding a Status Report on the City's Efforts to Move Forward with the Altos Del Mar Park Project.
(Requested by Commissioner Jose Smith)

ACTION: Not reached.

Status report in Agenda dated July 18, 2001 titled: Altos Del Mar - Update on Proposed Park and Sale of State-Owned Lots.

7:26:03 pm

R9F Discussion Regarding Undergrounding of Utilities.
(Requested by Commissioner Nancy Liebman and Mayor Neisen Kasdin)

ACTION: Presentations made by Amy Rabin - Sunset Island III & IV, Sherri Krassner - Lower North Bay Road, and Ian Kaplan - Star, Hibiscus and Palm Islands.

PowerPoint presentation made by Gary Weiner.

The organizations are requesting from the City:

1. A single person to act as a contact person
2. A policy decision regarding homeowners connecting to newly installed underground electrical supply
3. Clearly defined funding structure

Patricia Walker and Raul Aguila stated that part of the problems with the underground funding via special assessments has to do with the Florida Statutes be vague with regards to when the public portion of the project is deemed to be completed. A clarification of FS Chapter 170 is needed.

Mayor Kasdin stated that this should be added to the City of Miami Beach State legislative package. Christina Cuervo to handle.

Commissioner Smith asked if an Attorney General's opinion would be helpful.

ACTION: Resolution No. 2001-24542 adopted. Motion made by Vice-Mayor Bower to approve a

Resolution to authorize the Legal Department to request the opinion of the Attorney General; seconded by Commissioner Liebman; Voice vote: 7-0. Legal Department to handle.

Mayor Kasdin directed the Administration to prepare a report and identify a program including legal and financial strategy for this project for the September meeting. This report should assess the risks and lay out the options.

Mayor Kasdin complimented Max Sklar while on his staff for all his work on this project.

Motion made by Commissioner Liebman requesting the Administration prepare a comprehensive report on the issue of under grounding utilities and to continue meeting with the neighborhood committees; seconded by Commissioner Smith; Voice vote: 7-0. Bob Middaugh to handle.

Handout:

1. Letter from F.P.L. to Ian Kaplan, President of Palm-Hibiscus-Star Islands Association; RE: Utility Overhead to Underground Conversion, Palm & Hibiscus Islands
2. Brown binder "Miami Beach Underground" containing photographs

City Clerk's Note: Cross reference: Miami Beach Underground Utilities Coalition

10:03:44 pm

R9G Commission Memorandum No. 497-01

Discussion Regarding a Resolution Supporting the Baby Teeth Study Known as the ?Tooth Fairy Project?; Relating to Radiation and Public Health; Providing for an Effective Date.

(Requested by Mayor Neisen Kasdin)

ACTION: Deferred at the request of Commissioner Smith.

R9H Discussion Regarding the Creation of an Ordinance Which will Ban Roving Billboards on Ocean Drive.

(Requested by Commissioner Nancy Liebman)

ACTION: Not reached.

R9I Discussion Regarding the Nadadores at Scott Rakow Pool.

(Requested by Commissioner Nancy Liebman)

ACTION: Deferred to the July 25th Commission Meeting by Commissioner Liebman. Lilia Cardillo to place on agenda.

City Clerk's Note: See attached LTC 151-2001 dated July 10, 2001 and titled Nadadores Masters (Adult) Swim Request

ADDENDUM ITEM (R9J)

R9J Discussion Regarding a Resolution Supporting the Preservation of the Historic Sears Tower.
(Requested by Vice-Mayor Matti Herrera Bower)

ACTION: Not reached.

Reports and Informational Items

**A Commission Memorandum No. 498-01
City Attorney's Status Report.**

(City Attorney's Office)

ACTION: Written report submitted.

**B Commission Memorandum No. 499-01
Parking Status Report.**

(Parking Department)

ACTION: Written report submitted.

**C Commission Memorandum No. 500-01
Report on the 71 Street Charrette in North Beach.**

(Planning Department)

ACTION: Written report submitted.

**D Commission Memorandum No. 501-01
Indian Creek Greenway Project - Update on Actions Being Undertaken for the Gifting of Out-Lots to the City.**
(Planning Department)

ACTION: Written report submitted.

- E Commission Memorandum No. 502-01
Informational Report to the Mayor and City Commission, on All Existing City Contracts for Renewal or Extensions in the Next 180 Days, Which By Their Terms or Pursuant to Change Orders Exceed \$25,000.
(Procurement)

ACTION: Written report submitted.

- F Commission Memorandum No. 503-01
Report on the Status of Sunset Island I and II.
(City Manager's Office)
(Deferred from June 27, 2001)

ACTION: Written report submitted.

- G Commission Memorandum No. 504-01
Report of the Public Hearings Before the Planning Board for the Regular Meeting of July 31, 2001.
(Planning Department)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 18, 2001- 10:00 a.m.**

Chairman of the Board Neisen O. Kasdin
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board David Dermer
Member of the Board Luis R. Garcia, Jr.
Member of the Board Nancy Liebman
Member of the Board Jose Smith

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL All members were present.

2. OLD BUSINESS

A Redevelopment Agency Memorandum No. 01-37

Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for Months Ended May 31, 2001.

(Submitted Under Separate Cover)

ACTION: Written report submitted.

10:20:18 am.

3. NEW BUSINESS

A Redevelopment Agency Memorandum No. 01-38

A Resolution of the Chairman and Members of the Miami Beach Redevelopment Agency Authorizing the City Manager, or His Designee, to Sign All Contracts, Agreements, Purchase Orders, Change Orders and Grant Applications That May Affect the Agency; Renew Existing Contracts Which May Expire; and Terminate Existing Contracts as Needed; from the Last Agency Meeting on July 25, 2001, until the First Agency Meeting on September 5, 2001, Subject to Ratification by the Agency at its Meeting on September 5, 2001. **Joint City Commission and Redevelopment Agency**

ACTION: Item heard in conjunction with Item R7F.

Resolution No. 391-2001 adopted. Motion made by Commissioner Liebman; seconded by Commissioner Bower; Voice vote: 7-0. Gus Lopez to handle. Lilia Cardillo to schedule any ratifications items which may be necessary.

10:20:47 am.

B Redevelopment Agency Memorandum No. 01-39

~~A Resolution of the Chairman and Members of the Miami Beach Redevelopment Agency Appropriating Funds in the Amount of \$2,381,677 from South Pointe Tax Increment Funds, in Accordance with the Settlement Agreement Amongst the City of Miami Beach, the Miami Beach Redevelopment Agency, and West Side Partners Limited with Respect to (A) Valet Parking Obligations; (B) Seawall Construction Costs for SSDI North; (C) Utility Relocation Costs; and (D) in Accordance with a Surviving Provision of the 1995 Development Agreement and in Connection with the Indemnity Provided for in the Settlement Agreement, the Environmental Mitigation Costs for SSDI North; and Further Approving and Authorizing the Chairman and Secretary to Execute a Supplemental Agreement and a Revocable License Agreement among Murano Two, LTD., a Florida Limited Partnership, Murano Three, LTD., a Florida Limited Partnership, Sun & Fun, Inc., a Florida Corporation, Beachwalk Development Corporation, a Florida Corporation, Azure Coast Development, LTD, a Florida Limited Partnership, East Coastline Development, LTD., a Florida Limited Partnership, and Sandpoint Financial, LTD., a Florida Limited Partnership; the City of Miami Beach, Florida, the Miami Beach Redevelopment Agency, and Miami Beach Marina Associates, LTD., a Florida Limited Partnership, in Substantially the Attached Form; and Further Authorizing the Mayor and City Clerk to Execute a Declaration of Restrictive Covenants in Lieu of Unity of Title for the Temporary Easement on the Federal Triangle; and Authorizing the Chairman and Secretary to Execute an Amended and Restated Parking Sublicense among the City of Miami Beach, the City of Miami Beach Redevelopment Agency and the Miami Beach Marina Associates, LTD.~~

City Clerk's Note: See Supplemental Materials: Item Revised. **See Revised language below.**

Redevelopment Agency Memorandum No. 01-40

A Resolution of the Chairman and Members of the Miami Beach Redevelopment Agency Appropriating Funds in the Amount of \$2,381,677 from South Pointe Tax Increment Funds, in Accordance with the Settlement Agreement Amongst the City of Miami Beach, the Miami Beach Redevelopment Agency, and West Side Partners Limited with Respect to (A) Valet Parking Obligations; (B) Seawall Construction Costs for SSDI-North; (C) Utility Relocation Costs; and (D) in Accordance with a Surviving Provision of the 1995 Development Agreement and in Connection with the Indemnity Provided for in the Settlement Agreement, the Environmental Mitigation Costs for SSDI-North; and Further Approving and Authorizing the Chairman and Secretary to Execute a

Supplemental Agreement and a Revocable License Agreement Among Murano Two, LTD., a Florida Limited Partnership, Murano Three, LTD., a Florida Limited Partnership, Sun & Fun, Inc., a Florida Corporation, Beachwalk Development Corporation, a Florida Corporation, Azure Coast Development, LTD., a Florida Limited Partnership, East Coastline Development, LTD., a Florida Limited Partnership, and Sandpoint Financial, LTD., a Florida Limited Partnership; the City of Miami Beach, Florida, the Miami Beach Redevelopment Agency, and Miami Beach Marina Associates, LTD., a Florida Limited Partnership; and Further Authorizing the Chairman and Secretary to Execute an Amended and Restated Parking Sublicense among the City of Miami Beach, the City of Miami Beach Redevelopment Agency and the Miami Beach Marina Associates, LTD. **Joint City Commission and Redevelopment Agency**

(Revised Item)

ACTION: Heard in conjunction with item R7S.

Discussion held.

Mayor Kasdin, for general public clarification, asked if this is a legal obligation according to the settlement agreement. This was affirmed by Christina Cuervo.

Resolution No. 392-2001 adopted. Motion made by Vice-Mayor Bower; seconded by Commissioner Cruz; Voice vote: 6-1; Opposed: Commissioner Dermer. Christina Cuervo to handle.

Handout:

1. Amended and Restated parking Sublicense.
2. Supplemental Agreement.
3. Revocable License Agreement.
4. See Revised Exhibit ?A? dated 7/20/01

Meeting adjourned at 10:08 p.m.

End of Agenda